IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 14170 of 2005

Between:

G. Bramarambha, W/o. Krishna,
R/o. Sreenivasaraopet, Guntur, Guntur District.

..... PETITIONER

AND

The Special Officer & Competent Authority, Urban Land Ceiling, Arundelpet, Guntur.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ or order or direction more particularly one in the natur eof writ of Mandamus, directing the respondent to consider the petitioner representation dt. 22.2.2005 in file ULC.No. 1126/76 as per the instructions/guidelines issued by the Government of India as per Letter No.3/1/97UCU(2), dt. 21.5.1997 and further declare that tin action of the Respondent in not considering the petitioner representation dt. 22.2.2005 as illegal, arbitrary and pass such other order or orders.

Counsel for the Petitioner:MR.RAJA REDDY KONETI

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

O R D E R:

This writ petition is filed for a direction to the respondent to consider the representation of the petitioner, dated 22.02.2005 in file No.ULC 1126/76 as per the instructions/Guidelines issued by the Government of India as per letter No.3/1/1997 UCU (2) dated 21.05.197 and for declaring that the inaction of respondent in not considering the representation of the petitioner as illegal and arbitrary.

The case of the petitioner is that his father Atchi Chinna Ankamma filed a declaration in ULC No.1126 of 76 before the respondent seeking to declare the vacant land held by him bearing patta No.139 and 1139, admeasuring 4128 square meters. The respondent declared that the father of the petitioner is entitled to 2000 square meters of land and the rest of the land was declared as excess land. It is also the case of the petitioner that though she is a major by the date of declaration, she was shown as minor and as she was a minor, she was not given any unit separately. It is also the case of the petitioner that in spite of the representation, dated 22.02.2005 submitted by her, no action was taken by the respondent. Hence, this writ petition is filed.

The learned counsel for the petitioner submits that the Government of India, Ministry of Urban Affairs & Employment (Department of Urban Development) Nirman Bhavan, New Delhi issued a letter dated 21.05.1997 to the Gujarat Revenue Department, clarifying the position that major children are entitled to a share in their father's property, irrespective of the fact whether the father is alive or not as on the date of filing of declaration. The Central Government also clarified that major daughters are entitled to equal share along with major sons. The learned counsel brought to my notice that this Court in W.P.No.8810 of 2004, dated 21.05.1997 directed the respondent to consider the representation of the petitioner.

Having regard to the facts and circumstances of the case, the writ petition is

disposed of directing the respondent to consider the representation of the petitioner, dated 22.2.2005 and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. No costs.

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E.DHARMA RAO J.,

Dt.01.07.2005

Tjs

To

1. The Special Officer & Competent Authority, Urban Land Ceiling, Arundelpet, Guntur District.
2. 2 CCs to the G.P. for Revenue
3. 2 CD copies

4) 1 CC to MR.RAJA REDDY KONETI